

REMARKS/ARGUMENTS

Please consider the application in view of the following remarks.

Amendment to the Claims

The claims are amended to incorporate the limitations of Claims 42 and 45 to Claim 41. No new matter is introduced by the amendment.

Objection to Drawings

The Examiner objected to the drawings under 37 C.F.R. 1.83(a), asserting that they fail to show that how the brake release handle is secured to a chain saw, the front wall of the brake release handle facing the saw chain, an extension that is engageable with the braking mechanism of the housing, the brake release handle located at a slight distance from the handle, between the handle and the saw chain, and the brake release handle pivotally journaled by a bearing or support part secured thereto as described in the specification.

While it is true that any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). In this case however, the construction and assembly of motor chain saws are well known to those in the art, and none of the details of the assembly or attachment of the brake release handle to the chain saw is necessary or essential for a proper understanding of the invention, which pertains more particularly to an illuminating device for the brake release handle

The drawings were further objected to under 37 CFR 1.83(a) as not showing a motor chain saw having a braking mechanism operatively attached to a brake release, as set forth in claim 41.

As noted in the specification, the assembly of such motor chain saws is old and established art, and the motor chain saw described in United States Patent 4,683,660, to Schurr is an appropriate example for a chainsaw assembly, although the brake release in the instant invention should not be considered limited to a brake release as shown in Schurr.

For the above reasons, the drawings in the instant application adequately teach the skilled artisan all they need to know to practice the instant invention, and illuminated brake release that is adaptable for all chain saws having a break release handle.

Objection to Specification

The specification is objected to under 35 U.S.C. 132 as the amendment is alleged to introduce new matter into the disclosure.

The added material is adequately supported by the original disclosure, including added Figs. 6 and 7, as the description in specification includes numerous examples to chain saw and more particularly to brake release construction.

For the above reasons, Applicant respectfully requests reconsideration and withdrawal of this objection under 37 C.F.R. 1.71.

Rejections under 35 U.S.C. Section 103(a)

Claims 41, 42, 46, 49, 50 and 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Overy et al. (4,335,514), hereinafter Overy, in view of Didato (5,863,112).

Claim 41 has been amended to incorporate the limitations of Claims 42 and 45, which should obviate the rejection.

6. Claims 43, 47, 48, 51, 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Overy, in view of Didato, as applied to claim 41, and 42, and in further view of Toth et al., hereinafter Toth, or Swenson (4,588,387).

Claim 41 has been amended to incorporate the limitations of Claims 42 and 45, which should obviate the rejection.

7. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Overy in view of Didato, as applied to claim 42, in further view of Budde et al. (4,774,637), hereinafter Budde.

Claim 41 has been amended to incorporate the limitations of Claims 42 and 45, which should obviate the rejection.

8. Claims 41, 42, 44, 46 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wehle (4,693,006) in view of Casas (2202/0054491) or Brooks (2004/0125596).

Claim 41 has been amended to incorporate the limitations of Claims 42 and 45, which should obviate the rejection.

9. Claims 43, 47, 48, 50-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wehle in view of Casas or Brooks, as applied to claim 41, and in further view of Toth et al. (5,607,226), hereinafter Toth, or Swenson (4,588,387).

Claim 41 has been amended to incorporate the limitations of Claims 42 and 45, which should obviate the rejection.

10. Claim 45 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Wehle in view of Casas or Brooks, as applied to claim 41, and in further view of Budde et al. (4,774,637), hereinafter Budde. It is alleged that Wehle, as modified by above, teaches everything noted above including that the translucent material is glass or plastic.

No teaching in Wehle teaches or suggests the addition of an illumination source in a brake release handle to a motor chains saw, let alone a teaching or suggestion that the light source should comprise translucent material, particularly of plexiglass..

Budde has not teaching or suggestion that an illumination source be supplied to a motor chain saw, let alone an illumination device of the claimed construction.

Neither Overy or Didato provide teachings or suggestions. Elements from the prior art can not be selected and combined unless some motivation is found in the teachings of the prior art that the elements from various references should be combined to the claimed invention.

The technology relating to motor vehicle brake releases is not highly relevant to the chain saw art. Chain saws are used in environments where there is rough handling and high levels of vibration limit the choices in components and construction. Nothing in Overy or Didato suggests the importation of a light source from a non-analogous art to be incorporated in a chain saw, let alone on the brake release as in the claimed construction.

PATENT

In light of the above amendments and remarks, Applicant believes that each of the presently pending claims in this application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding objections and rejections to the claims and to pass this application to issue.

Also enclosed is a check for \$510.00, to cover the small entity fee for a 3-month extension of time to respond to the June 16, 2006, office action.

Any additional fees required by this submission may be charged to deposit account 50-2767.

If the Examiner has any questions regarding this communication, he is invited to contact the undersigned at (916) 325-5814.

Dated: December 18, 2006

McDonough Holland & Allen PC
555 Capitol Mall, 9th Floor
Sacramento, CA 95814-4692
Tel.: (916) 325-5814
Fax.: (916) 325-4587

Respectfully submitted,

By: 

Carl J. Schwedler, Reg. No.: 36,924